IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Bernd-Georg Pietras, et al.
Group Art Unit: 3723

Serial No.: 10/681,570

Confirmation No.: 6819

Examiner: Hadi Shakeri

Filed: October 8, 2003

Customer No.: 36735

For: APPARATUS FOR
DELIVERING A TUBULAR
TO A WELLBORE

MAIL STOP APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SECOND APPEAL BRIEF

Appellants submit this Second Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 3723 dated June 22, 2007 finally rejecting claims 1, 5, 6, 8-14, 47 and 51-72. The final rejection of claims 1, 5, 6, 8-14, 47, 59-67, 69 and 72 is appealed.

This Appeal Brief is filed in support of a Request for Reinstatement of Appeal. This Second Appeal Brief is believed to be timely because it is filed on or before January 24, 2008, with a two month Extension of time, from the filing of a Notice of Appeal on September 24, 2007.

A fee of $500.00 for filing an Appeal Brief was previously paid. Thus, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/WEAT/0485/JCH in the amount of $10.00, and for any fees, including extension of time, required to make this Appeal Brief timely and acceptable to the Office.

TABLE OF CONTENTS

1. Identification Page 1
2. Table of Contents 2
3. Real Party in Interest 3
4. Related Appeals and Interferences 4
5. Status of Claims 5
6. Status of Amendments 6
7 Summary of Claimed Subject Matter 7
8. Grounds of Rejection to be Reviewed on Appeal 10
9. Arguments 11
10. Conclusion 16
11 Claims Appendix 17
12 Evidence Appendix 23
13 Related Proceedings Appendix 24

Real Party in Interest

The present application has been assigned to WEATHERFORD/LAMB, INC. located at 515 Post Oak Boulevard, Suite 600, Houston, Texas 77027. .

Related Appeals and Interferences

Appellant asserts that no other appeals or interferences are known to the Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1, 5, 6, 8-14, 47, and 51-72 are pending in the application. Claims 1-37 were originally presented in the application. Claims 28-72 were added during prosecution. Claims 2-4, 7, 15-46, and 48-50 have been cancelled. Claims 1, 5, 6, 8-14, 47, and 51-72 stand finally rejected as discussed below. The final rejections of claims 1, 5, 6, 8-14, 47, 59-67, 69, and 72 are appealed. The pending claims are shown in the attached Claims Appendix.

Status of Amendments

Amendments to claims 1, 51, and 68 were proposed after the final rejection but were not entered. These proposed amendments are not shown in the Claims Appendix.

Summary of Claimed Subject Matter

Independent claim 1 includes an apparatus for handling a tubular (Abstract). The apparatus includes a first gripping member (*see* paragraph [0029] and *e.g.*, Figures 2, 3, and 4, reference number 110 or 120) and a second gripping member (*see* paragraph [0029], and *e.g.*, Figures 2, 3, and 4, reference number 110 or 120) configured to retain a tubular (*see* paragraph [0037], and *e.g.*, Figures 5-7 reference numbers 401 and 302). The first gripping member includes a first jaw (*see* paragraph [0032], and *e.g.*, Figures 2, 3, 4, and 7 reference number 115, 125). The second gripping member includes a second jaw (*see* paragraph [0032], and *e.g.*, Figures 2, 3, 4, and 7 reference number 115, 125). At least one of the jaws has an actuator (*see* paragraph [0032], and *e.g.*, Figures 3, 4, 6, and 7 reference number 145) coupled to one of the gripping members to move the at least one jaw. The actuator may move the at least one jaw independent of the gripping member to apply a force to the tubular (*see* paragraph [0032]). A second actuator (*see* paragraph [0030], and *e.g.*, Figures 2, 3, 4, 5, 6, and 7 reference number 130, 330, and 430) is configured to cause the first and second gripping members to engage the tubular and apply an increased force to the tubular. The second actuator is a spindle (*see* paragraph [0030], and *e.g.*, Figures 2, 3, 4, 5, 6, and 7 reference number 130, 330, and 430).

In dependent claim 5, the rotating of the spindle moves the first gripping member relative to the second gripping member (*see* paragraph [0030]). In dependent claim 6 the second actuator is adapted to resist elastic deformation (*see* paragraph [0034]). In dependent claim 8, the actuator includes one or more arcuate contact surfaces (*see* paragraph [0035], and *e.g.*, Figures 2 and 4 reference number 170). In dependent claim 9, the force applied by the at least one jaw is applied by a cylinder (*see* paragraph [0032], and *e.g.*, Figures 3 and 4 reference number 145). In dependent claim 10, at least one of the first and second jaws includes a spherical bearing (*see* paragraph [0035], and *e.g.*, Figures 2 and 4 reference number 170). Dependent claim 11, includes one or more force distributors comprising pendulum bolts attached to the first and second gripping members (*see* paragraph [0035], and *e.g.*, Figures 2 and 4 reference number 170). In dependent claim 12, the actuator is a hydraulic cylinder (*see* paragraph [0032], and *e.g.*, Figures 3 and 4 reference number 145). In dependent claim 13, at least one of the first and second jaws includes a spherical bearing (*see* paragraph [0036], and *e.g.*, Figure 3 reference number 175). Dependent claim 14 includes one or more force distributors comprising pendulum bolts connecting the first and second jaw to the first and second gripping members (*see* paragraph [0035], and *e.g.*, Figures 2 and 4 reference number 170). In claim 69, the first gripping member and the second gripping member are configured to move toward and away from one another while the first and second jaws remain substantially in linear alignment with one another (*see* paragraphs [0030]-[0032], and Figures 1-7).

Independent claim 59 includes a method for handling a tubular (Abstract). The method comprises providing a wrenching tong (*see* paragraph [0026], and *e.g.*, Figures 1, 3, 4, 6, and 7 reference number 30). The wrenching tong has two clamping members (*see* paragraph [0029], and *e.g.*, Figures 2, 3, and 4, reference number 110 and 120). The wrenching tong has a first actuator for actuating at least one of the clamping members (*see* paragraph [0030], and *e.g.*, Figures 2, 3, 4, 5, 6, and 7 reference number 130, 330, and 430). The wrenching tong has a jaw attachable to one of the clamping members (*see* paragraph [0032], and *e.g.*, Figures 2, 3, 4, and 7 reference number 115, 125). The wrenching tong has a second actuator for actuating the jaw independently of the clamping members (*see* paragraph [0032], and *e.g.*, Figures 3, 4, 6, and 7, reference number 145). The wrenching tong has a wrenching member for rotating the wrenching tong (*see* paragraph [0039], and *e.g.*, Figures 1, 5, 6, and 7 reference number 50). The method further includes actuating the first actuator to move at least one of the clamping members toward the tubular and thereby gripping the tubular (*see* paragraph [0030], and *e.g.*, Figures 2, 3, 4, 5, 6, and 7, reference numbers 130, 330, and 430). The method further includes actuating the second actuator to cause the jaw to apply an additional gripping force to the tubular (*see* paragraph [0032], and *e.g.*, Figures 3, 4, 6, and 7, reference number 145). The method further includes rotating the tubular using the wrenching member (*see* paragraph [0039], and *e.g.*, Figures 1, 5, 6, and 7, reference number 50).

Dependent claim 60 further includes completing a connection and releasing the tubular (*see* paragraph [0041]). Dependent claim 61 further includes adjusting the two clamping members for a larger diameter tubular (*see* paragraph [0031]). Dependent claim 62 further includes actuating the actuator and moving at least one of the clamping members thereby gripping the larger diameter tubular with the jaw (*see* paragraph [0031]). Dependent claim 63 further includes adjusting the two clamping members for a small diameter tubular (*see* paragraph [0031]). Dependent claim 64 further includes actuating the actuator and moving at least one of the clamping members thereby gripping the smaller diameter tubular with the jaw (*see* paragraph [0031]). Dependent claim 65 further includes gripping the tubular with a backup tong (*see* paragraph [0026], and *e.g.*, Figures 1, 2, 5, 6, and 7, reference number 40). In dependent claim 66, the backup tong further includes two backup members wherein at least one of the backup clamping members is actuatable, a first backup actuator for actuating at least one of the backup clamping members, a backup jaw attachable to one of the backup clamping members and a second backup actuator for actuating the backup jaw (*see* paragraph [0028]). In dependent claim 67, the actuator is a spindle (*see* paragraph [0030], and *e.g.*, Figures 2, 3, 4, 5, 6, and 7, reference numbers 130, 330, and 430). In dependent claim 68, the clamping members define substantially parallel surfaces that move toward and away from each other when actuating the first actuator (*see* paragraph [0029], and *e.g.*, Figures 1-7, the surface surrounding the jaws 115, 125). In dependent claim 72, the first actuator causes linear movement of at least one of the clamping members (*see* paragraphs [0030]-[0032], and Figures 1-7).

Grounds of Rejection to be Reviewed on Appeal

1. Claims 1, 5, 9, 12, 47, 50, 69, and 70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 3,902,385, issued to *Haby,* in view of U.S. Patent Number 5,167,173, issued to *Pietras*.

2. Claims 6, 8, 10, 11, 13, and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Haby,* in view of *Pietras*, and further in view of U.S. Patent Number 6,814,149, issued to *Liess, et al*.

3. Claims 59-67, and 72 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,868,045, issued to *Hauk,* in view of U.S. Patent Number 3,902,385, issued to *Haby.*

ARGUMENTS

1. The Examiner erred in rejecting claims 1, 5, 9, 12, 47, 50, 69 and 70 under 35 USC §103(a) as being unpatentable over *Haby*, in view of *Pietras*.

In the Final Office Action, the Examiner states that *Haby* discloses the invention claimed in claim 1, except for teaching the actuator having spindles. To compensate for *Haby*'s lack of disclosure with regard to the spindles, the Examiner combines *Pietras, et al.* with *Haby.* Regarding the combination with *Pietras, et al.*, the Examiner states that "actuators of different kind e.g. hydraulic, pneumatic, and mechanical or combination thereof are known in the art, as evident by *Pietras, et al.* for a spindle actuated kind." To support this combination, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of *Haby* with a spindle actuating means, as taught by *Pietras, et al.* for ease of operation or for economical reasons. As discussed below, Appellants submit that the Examiner's position is incorrect and result in an improper obviousness rejection of the claims.

The references do no teach all of the limitations of claim 1. Claim 1 requires two actuators, *i.e.*, an actuator and a second actuator that is a spindle. The actuator is configured to move the jaws independently of the gripping members in order to apply a force. The second actuator is required to cause the first and second gripping members to engage the tubular and apply an increased force to the tubular.

Neither *Haby* nor *Pietras* disclose a second actuator that causes the gripping members to engage the tubular and apply an increased force to the tubular. *Haby* discloses two jaws 25, 26 hinged together for surrounding the tubular when the jaws are closed. The jaws 25, 26 include gripping dies 53-56 for engaging the tubular. Two of the gripping dies 54, 55 are actuatable by two piston and cylinder mechanisms 62 and 63. The piston and cylinder mechanisms 62 and 63 move the dies relative to the two jaws 25 and 26 into engagement with the tubular. The jaws 25 and 26 of *Haby* have an inner surface 27 that is in "close proximity to the outer surface of the upper pipe section." (Col. 3, ln. 26-29). The inner surface 27 of the jaws 25, 26 is not capable of applying an increased force to the tubular. After the jaws 25 and 26 are closed, dies 54, 55 are extended by the two piston and cylinder mechanisms 62 and 63 to apply a gripping force to the tubular. Thus, only the two piston and cylinder mechanisms 62 and 63, through the dies 53-56, apply force to the tubular. Because the dies 54, 55 are extended after the jaws 25, 26 are closed, the jaws 25, 26 are incapable of applying any force to the tubular. Further, the jaws 25 and 26 have no actuator capable of moving the jaws in order to apply the increased force to the tubular.

The Examiner states that the "second actuator" is taught by two piston and cylinder mechanisms 23 and 24. However, these piston and cylinder mechanisms are configured to rotate the gripping assembly 20, 21, including both of the jaws 25 and 26 and the tubular about an axis 22. This rotation simply facilitates connecting and breaking of a threaded connection. Thus, these piston and cylinder mechanisms 23, 24 are not configured to cause the jaws 25 and 26 to engage the tubular and apply an increased force to the tubular over and above the force applied by the piston and cylinder mechanisms 62 and 63. Therefore, *Haby* does not teach or suggest a second actuator configured to cause the first and second gripping members to engage the tubular and apply an increased force to the tubular, as recited in claim 1.

The *Pietras, et al.* reference does nothing to overcome the shortcomings of the *Haby* reference. The Examiner states that *Pietras* is cited to teach a spindle as an example of an actuator. However, the missing limitation in *Haby* is not only a spindle, but also a second actuator to apply an increased force. Indeed, *Pietras* does not teach a second actuator to apply an increased force. *Pietras* discloses a tong having three jaws 7, 8, 9 for gripping the tubular. At least one jaw is provided with a drive spindle 15 and a hydraulic motor 16 for radial movement. Rotation of the spindle in one direction will advance the jaw inwardly to engage the tubular, and rotation in the other direction moves the jaw outwardly. The jaws are the only members adapted to apply a force the tubular in the *Pietras, et al.* There is no disclosure of a second actuator to apply an increased force. As a result, *Pietras* and *Haby*, neither in alone nor in combination, teach or suggest the apparatus of claim 1.

Further, modifying the *Haby* tool with the spindle of *Pietras* still does not teach all of the limitations of claim 1. The spindle in *Pietras* is adapted to move the jaws 7 and 8 independently of housing 2. In this respect, the spindle in *Pietras* serves the same function as the piston mechanism of *Haby*. Therefore, if the spindle of *Pietras* were added to the *Haby* tool, it would simply replace the two radially extending piston and cylinder mechanisms 62 and 63 for moving the jaws independently of the gripping members. Thus, the spindle of *Pietras* is redundant to the cylinder mechanisms 62, 63 of *Haby*. Again, the references, neither alone nor in combination, teach or suggest a second actuator configured to cause the first and second gripping members to engage the tubular and apply an increased force to the tubular, as recited in claim 1.

Additionally, the Examiner has failed to provide an objective reason that would lead a person of ordinary skill in the art to combine the teachings of the *Haby* and *Pietras* references. The Examiner states that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of *Haby* with a spindle means, as taught by *Pietras* for ease of operation, or for economical reasons." (emphasis added). *Haby* discloses hydraulically operated actuation means for a joint make up tool. There is no indication in either *Haby* or *Pietras* that the tool is hard to operate or expensive. Also, the examiner has not identified in what ways the *Pietras* spindle would make the *Haby* tool easier to operate or more economically viable. In effect, the Examiner has merely used impermissible hindsight to piece together the prior art in an attempt render the claimed invention obvious.

Claims 5, 9, 12, 47, 50, and 69 depend from claim 1. As discussed above, Applicant believes claim 1 is in condition for allowance. Therefore, Appellants also believe claims 5, 9, 12, 47, 50, and 69 are in condition for allowance.

Further, the *Haby* and *Pietras, et al*. references do not teach or suggest the limitations in claim 69. Claim 69 states that the "first gripping member and the second gripping member are configured to move toward and away from one another while the first and second jaws remain substantially in linear alignment with one another. The jaws 25 and 26 of *Haby* are coupled together at a hinge connection 28. The hinge connection 28 allows each of the jaws 25 and 26 to pivot, thereby pivoting the gripping dies 53-56 with them. As the jaws pivot between the open and closed position, the gripping dies are not in linear alignment with one another. *Pietras, et al.* does not overcome the deficiencies of *Haby.* The jaws of *Pietras, et al.* are also not in linear alignment. Therefore, for the reasons stated above, the combination of the *Haby* with *Pietras, et al.* references does not render pending claim 69 obvious.

For these reasons, the combination of *Haby* and *Pietras, et al.* references does not render pending claims 1, 5, 9, 12, 47, 50, and 69 obvious. Based on the foregoing, Appellants respectfully submit that rejection of these claims based the combination of *Haby* with *Pietras, et al.* is improper and respectfully request allowance of the claims.

2. The Examiner erred in rejecting claims 6, 8, 10, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Haby*, in view of *Pietras*, and further in view of *Liess, et al*.

In the Final Office Action, the Examiner states that *Haby* and *Pietras* meets all of the limitations of claim 1, except for disclosing spherical bearings to resist elastic deformation and pendulum bolts. The Examiner relies on *Liess, et al.* for teaching spherical bearings and pendulum bolts.

As stated above, the *Haby* and *Pietras* references do not disclose all of the limitations of claim 1. The *Liess, et al.* reference does not overcome the deficiencies of *Haby* and *Pietras* with respect to claim 1*.* Based on the foregoing, Appellants believe these claims are in condition for allowance and respectfully request allowance of the same.

3. The Examiner erred in rejecting claims 59-67, and 72 under 35 U.S.C. §103(a) as being unpatentable over *Hauk* in view of *Haby.*

In the Final Office Action, the Examiner states that *Hauk* discloses the invention claimed in claim 1 except for teaching an actuator for actuating the jaw. To compensate for *Hauk*'s lack of disclosure with regard to actuating the jaw, the Examiner relies on *Haby.* Regarding the combination with *Haby*, the Examiner states that "*Haby* teaches jaws (54, 55) actuated to move towards or away from corresponding gripping jaws." The Examiner goes on to state that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of *Hauk* with adjustable jaws, as taught by *Haby* for fine adjustment in enhancing the operation. Appellants submit that these statements are incorrect and result in an improper obviousness rejection of the claims.

The Examiner has failed to provide an objective reason that would lead a person of ordinary skill in the art to combine the teachings of the *Hauk* and *Haby* references. The *Hauk* reference discloses a gripping apparatus that can be adjusted in two ways. Therefore, the addition of yet a third item for adjustment of the gripping apparatus is not required or obvious. The *Hauk* reference discloses a "jaw-adjustment nut apparatus . . . being adapted to rotate in either direction to any desired setting in order to control the size of the associated with the jaw." (*See* Summary) The *Hauk* reference goes on to state: "rotation of each nut in either direction will operate through the threads to achieve precision movement." Thus, the nut in the *Hauk* reference provides for precision movement. Further, *Hauk* discloses a bite cylinder 52, as shown in Figure 2, which is adapted to move the hooks into a clamping relationship with the tool joint. These two actuation means in the *Hauk* reference provide for fine adjustment of the gripping apparatus.

Neither *Haby* nor *Hauk* disclose a jaw attachable to one of the clamping members and a second actuator for actuating the jaw independently of the clamping members and actuating the second actuator to cause the jaw to apply an additional gripping force to the tubular, as required in independent claim 59. As discussed above, only the gripping dies 53-56 in *Haby* are designed for applying a gripping force to the tubular. *Hauk* discloses only gripping the tubular by spinning the nuts 50 using the handle H and the cylinder 52 which does not move the jaws independently of the clamping member. Neither *Haby* nor *Hauk* provides a reason for adding a second actuator capable of applying an additional gripping force through the jaws. Therefore, the Examiner has simply committed impermissible hindsight by using the Appellants' invention as a guide when looking at the prior art. For these reasons, the combination of *Hauk* and *Haby* does not render pending claims 59-67 and 72 obvious.

Based on the foregoing, Appellants respectfully submit the combination of *Hauk* with *Haby* is improper and does not render the claims obvious. Withdrawal of the rejection is therefore respectfully requested.

CONCLUSION

The Examiner erred in rejecting claims 1, 5, 6, 8-14, 47, 59-67, 69 and 72. The claims are not anticipated or obvious in view of the cited references, either alone or in combination. Therefore, the Appellants respectfully request that the rejections be vacated in order for the application to proceed to allowance.

Respectfully submitted,

/Jason C. Huang, Reg. No. 46,222/

Jason C. Huang
Registration No. 46,222
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants

CLAIMS APPENDIX

1. (Previously Presented) An apparatus for handling a tubular, comprising:

a first gripping member operatively coupled to a second gripping member to retain the tubular;

the first gripping member including a first jaw; and

the second gripping member including a second jaw, wherein at least one of the jaws has an actuator coupled to one of the gripping members configured to move the at least one jaw independent of the gripping member in order to apply a force to the tubular and a second actuator configured to cause the first and second gripping members to engage the tubular and apply an increased force to the tubular, wherein the second actuator comprises a spindle.

2-4. (Cancelled)

5. (Previously Presented) The apparatus of claim 1, wherein rotating the spindle moves the first gripping member relative to the second gripping member.

6. (Previously Presented) The apparatus of claim 1, wherein the second actuator is adapted to resist elastic deformation.

7. (Cancelled)

8. (Previously Presented) The apparatus of claim 6, wherein the second actuator includes one or more arcuate contact surfaces.

9. (Previously Presented) The apparatus of claim 1, wherein the force is applied by a cylinder.

10. (Previously Presented) The apparatus of claim 1, wherein at least one of the first and second jaws includes a spherical bearing.

11. (Previously Presented) The apparatus of claim 1, further comprising one or more force distributors comprising pendulum bolts attached to the first and second gripping members.

12. (Previously Presented) The apparatus of claim 1, wherein the actuator is a hydraulic cylinder.

13. (Original) The apparatus of claim 1, wherein at least one of the first and second jaws includes a spherical bearing.

14. (Previously Presented) The apparatus of claim 1, further comprising one or more force distributors comprising pendulum bolts connecting the first and second jaw to the first and second gripping members.

15-46. (Cancelled)

47. (Previously Presented) The apparatus of claim 1, further comprising the first gripping member is rotatable relative to the second gripping member.

48-50. (Cancelled)

51. (Previously Presented) An adjustable tubular handling assembly, comprising:

a wrenching tong, for gripping and applying torque to a tubular, wherein the wrenching tong comprises:

two clamping members, each clamping member having a clamping surface that is substantially parallel to the other clamping member's clamping surface, the clamping surfaces being moveable toward and away from each other while remaining substantially parallel;

a first actuator for actuating at least one of the clamping members_and configured to apply a gripping force to the tubular;

a jaw attachable to at least one of the clamping members for gripping the tubular;

a second actuator mounted on one of the clamping members for actuating the jaw independently of the clamping member and configured to apply an additional gripping force to the tubular;

a wrenching member for rotating the wrenching tong; and

a backup tong.

52. (Previously Presented) The adjustable tubular handling assembly of claim 51, wherein the first actuator moves at least one of the clamping members into gripping engagement with the tubular.

53. (Previously Presented) The adjustable tubular handling assembly of claim 51, wherein one of the clamping members is moveable and one is a fixed member.

54. (Previously Presented) The adjustable tubular handling assembly of claim 53, wherein the second actuator is on the fixed member.

55. (Previously Presented) The adjustable tubular handling assembly of claim 51, wherein the first actuator is a spindle.

56. (Previously Presented) The adjustable tubular handling assembly of claim 55, wherein the second actuator comprises a fluidly actuated piston and cylinder.

57. (Previously Presented) The adjustable tubular handling assembly of claim 56, wherein the wrenching member comprises a second fluidly actuated_piston and cylinder adapted to rotate the wrenching tong.

58. (Previously Presented) The adjustable tubular handling assembly of claim 51, wherein the backup tong comprises:

two backup clamping members, each backup clamping member having a backup clamping surface that is substantially parallel to the other backup clamping members backup clamping surface, the backup clamping surfaces being moveable toward and away from each other while remaining substantially parallel;

a first backup actuator for actuating at least one of the backup clamping members;

a backup jaw attachable to one of the backup clamping members for gripping the tubular; and

a second backup actuator mounted on the backup clamping member for actuating the backup jaw independently of the backup clamping member.

59. (Previously Presented) A method for handling a tubular comprising:

providing a wrenching tong having;

two clamping members;

a first actuator for actuating at least one of the clamping members;

a jaw attachable to one of the clamping members;

a second actuator for actuating the jaw independently of the clamping members; and

a wrenching member for rotating the wrenching tong;

actuating the first actuator to move at least one of the clamping members toward the tubular, thereby gripping the tubular with the jaw;

actuating the second actuator to cause the jaw to apply an additional gripping force to the tubular;

rotating the tubular using the wrenching member.

60. (Previously Presented) The method of claim 59, further comprising completing a connection and releasing the tubular.

61. (Previously Presented) The method of claim 59, further comprising adjusting the two clamping members for a larger diameter tubular.

62. (Previously Presented) The method of claim 61, further comprising actuating the actuator and moving at least one of the clamping members thereby gripping the larger diameter tubular with the jaw.

63. (Previously Presented) The method of claim 59, further comprising adjusting the two clamping members for a smaller diameter tubular.

64. (Previously Presented) The method of claim 63, further comprising actuating the actuator and moving at least one of the clamping members thereby gripping the smaller diameter tubular with the jaw.

65. (Previously Presented) The method of claim 59, further comprising gripping the tubular with a backup tong.

66. (Previously Presented) The method of claim 65, wherein the backup tong comprises:

two backup clamping members wherein at least one of the backup clamping members is actuatable;

a first backup actuator for actuating at least one of the backup clamping members;

a backup jaw attachable to one of the backup clamping members; and

a second backup actuator for actuating the backup jaw.

67. (Previously Presented) The method of claim 59, wherein the actuator is a spindle.

68. (Previously Presented) The method of claim 59, wherein the clamping members define a substantially parallel surfaces that move toward and away from each other when actuating the first actuator.

69. (Previously Presented) The apparatus of claim 1, wherein the first gripping member and the second gripping member are configured to move toward and away from one another while the first and second jaws remain substantially in linear alignment with one another.

70. (Previously Presented) The apparatus of claim 1, further comprising the first gripping member having a first clamping surface that is substantially parallel to the a second clamping surface of the second gripping member, the clamping surfaces being moveable toward and away from each other while remaining substantially parallel.

71. (Previously Presented) The adjustable tubular handling assembly of claim 52, wherein the first actuator moves the clamping members linearly.

72. (Previously Presented) The method of claim 59, wherein the first actuator causes linear movement of at least one of the clamping members.

EVIDENCE APPENDIX

There is no evidence attached.

RELATED PROCEEDINGS APPENDIX

Since there are no related proceedings, no copies of decisions rendered are included.